

REMARKS

This is in response to the Office Action mailed January 5, 2006. By this Amendment, claims 1-22 are currently in this application.

In the Office Action, it was noted that the Declaration was defective. Applicant appreciates the Examiner noticing an error in the original Declaration, and a new Declaration is enclosed, which should be acceptable.

The claims were also rejected over a combination of Maxwell, Gutkowski and Bradford. Applicant has closely reviewed these references, but submits that the present invention, as defined in the claims, is patently distinct therefrom.

To begin with, Applicant points out that Bradford, which is relied upon for its “vent orifice”, does not disclose or suggest a filter element that has any need to be rotationally oriented. The element can be located in any rotational orientation, and still function properly, as it is intended for vertical mounting. This type of filter is known in the art, and does not address the issue focused on by the inventor, that is, the issue of air passage through a horizontally-mounted filter element.

The Maxwell device is also for a vertical element, and while it shows a ring-shaped member attached at the lower end of a filter element, where the ring-shaped member is rotationally fixed by cooperating structure within a lower casing portion, the reason for this is to allow a collection bowl to be attached. Without the element being rotationally fixed relative to the casing, the element would merely spin within the casing as the collection bowl was screwed on the threads of the ring-shaped member. There is

no requirement in Maxwell for any particular rotational orientation of the element in the housing. Maxwell just shows another technique known in the art.

The same goes for Gutkowski. Gutkowski shows a filter unit which has components which are rotationally aligned; however these components (i.e., the valve disc 31, sealing disc 32, and valve actuating member 34) located and connected within the housing, and are not associated with the element. The valve actuating member 34 has a central opening 43 in a ring 44 which receives the upper end of the filter element (bushing 66), as shown below and as described at column 3, lines 39-44.

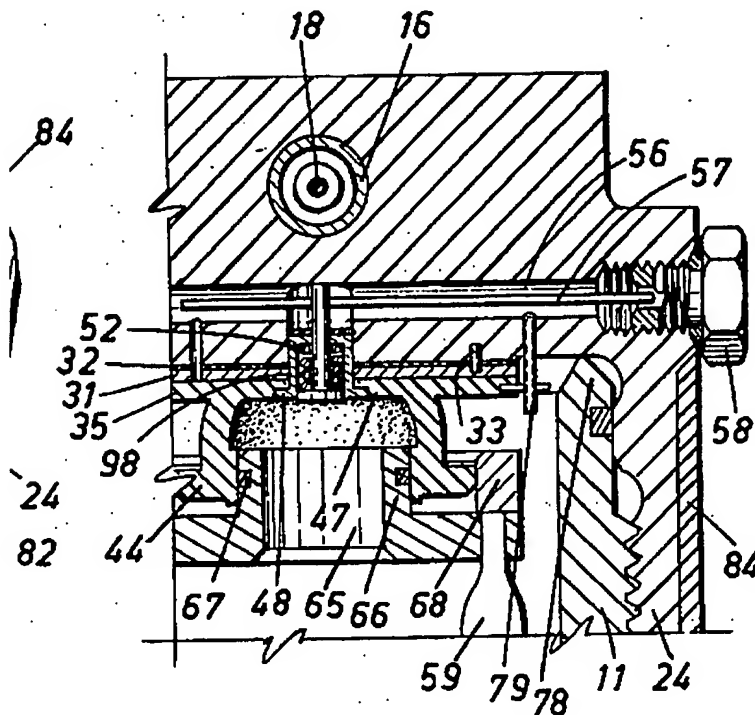


FIG. 5

There is nothing in this reference which indicates that the element is fixed to ring 44. It is believed fairly clear that a spent filter in Gutkowski can be removed from the ring and replaced with a fresh element when the casing is removed as discussed at column 4, lines 19-31. And as with Bradford and Maxwell, there is **no** requirement for any rotational orientation of the filter element with respect to the housing. The reason expressed for the rotational orientation of the filter bowl and filter head structure is so that the **valve assembly** is properly opened and closed (see column 4, lines 49-53: “Regardless of the manner in which the threads of the filter housing are started in the threads of the head socket the valve must always arrive in the correct open position upon assembly of the filter bowl and head”). There is otherwise no structure associated with the **element** that functions to rotationally orient the element¹.

With a proper understanding of the cited art, it is believed that the claims properly define the invention in a manner that is patentable. To begin with, it is believed there is no motivation to combine the cited references in the manner so suggested. It is not just enough that the references *could* be combined – there must be some reason or suggestion

¹ The Office Action states in Paragraph 4, Page 3, that “Regardless of the manner in which the threads of the filter housing (11) are started in the threads of the head socket (10) the **filter** will arrive in the correct position (column 4, lines 49-53)”. This statement is not a correct recital of the statement in Gutkowski, and is believed to be somewhat misleading. As indicated in the quoted text from Gutkowski, Gutkowski is focused on the **valve** arriving at the correct location – not the filter element. It does not matter where the filter element ends up, as it is rotationally independent. In effect the filter element in Gutkowski will **always** end up in a correct position. It is imperative to understand the structure of Gutkowski so as to understand the differences between Gutkowski and the present invention.

for their combination. And as the references all deal with vertically-oriented filters, it is submitted that this motivation is lacking, as the filter elements would work just fine in any rotational orientation, and there is thus no need to provide a filter with an orientation device. This simple fact should remove Bradford, Maxwell and Gutkowski as relevant references.

In addition, Claim 1 recites that the orientation device is “fixed to and integral with the first end cap” and “projects radially outward therefrom”. There is nothing in Maxwell or Bradford which shows such an orientation device. And as for Gutkowski, again, the only orientation device is associated with the valve assembly in the housing, and not with the element. For this additional reason, it is submitted that the art does not disclose or suggest the subject matter of claim 1.

Claim 1 has now also been amended to recite that the vent orifice is located radially outward from the central sealing device. Even if the cited references were combined in the manner so suggested, they would still not show a vent orifice radially outward from the sealing device. In Bradford, for example, the vent orifice is described and shown radially **inward** of radial seal 42 (see Fig). And the other references do not disclose or suggest any such vent orifice. For this as well as the other reasons described above, claim 1 should be allowed.

The dependent claims bring out further limitations that are not disclosed or suggested in the cited art. Claim 6, for example, further brings out that the orientation device is “unitary” with the first end cap. This is also not apparent from the cited art for the above reasons, namely that if anything, Gutkowski only shows an orientation device integral with the housing – and not with the element.

Independent claims 11 and 12 and new dependent claim 15 now also bring out the location of the vent orifice relative to the seal, and as such, should likewise be allowed for this reasons as well as for the other reasons expressed above.

New dependent claims 16-21 further bring out the locating sleeve which projects from the first end cap, and is located radially outward from the seal. Such a locating sleeve is also not shown in the cited art, and as such, these claims should be allowed for these reasons, as well as all the reason expressed above.

Finally, new claim 22 brings out the location of the vent orifice relative to the central sealing means, as well as the locating sleeve. It is submitted that this claim should likewise be allowed for the reasons expressed above.

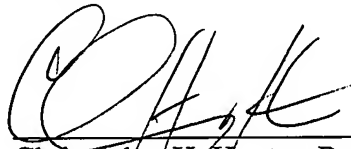
Certain grammatical and other minor changes have been made to claims 1, 2, 6, 11, 12 which should be self-explanatory.

In light of the above, it is respectfully submitted that all the claims in the application patently distinguish over the cited art and should be in condition for allowance. Notice to that effect is respectfully requested. Should the Examiner continue

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to believe otherwise, the Examiner is kindly requested to contact the undersigned by telephone if the Examiner believes it would result in a furtherance of this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'CH Hunter', is written over a horizontal line.

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